

## SENATE BILL No. 360

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-11-7-4.

**Synopsis:** Provision of necessities to married persons. Provides that both spouses of a marriage are jointly and severally liable for the cost of goods or services found by a court to be necessities provided to either spouse. Allows a provider of necessities to bring suit against either spouse and collect a judgment against the assets and income of either or both spouses.

**Effective:** July 1, 1999.

**Zakas**

January 8, 1999, read first time and referred to Committee on Judiciary.



C  
o  
p  
y

Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 360

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-11-7-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **Except as**  
3 **provided in subsection (b)**, a husband is not liable for the contracts or  
4 torts of his wife.

5 (b) **The spouses of a marriage are jointly and severally liable for**  
6 **the cost of goods or services found by a court to be necessities**  
7 **provided to either spouse. Joint and several liability applies under**  
8 **this subsection regardless of:**

9 (1) **the position of financial superiority or dependency of one**

10 (1) **spouse to the other;**

11 (2) **a spouse's knowledge or lack of knowledge regarding the**  
12 **other spouse's receipt of the goods or services; or**

13 (3) **the ability of either spouse to pay for the goods or services**  
14 **at the time the goods or services are provided or at any later**  
15 **date.**

16 (c) **A provider of goods or services found by a court to be**  
17 **necessaries to a married individual may bring an action against:**

1999

IN 360—LS 7548/DI 98+



- 1           (1) the individual; or  
2           (2) the individual and the individual's spouse jointly.  
3           (d) A provider of goods and services who obtains a judgment  
4 against an individual or an individual and that individual's spouse  
5 for goods or services found by a court to be necessities may  
6 execute the judgment:  
7           (1) by any and all means provided by law; and  
8           (2) against the assets or income of:  
9           (A) the individual;  
10          (B) the individual's spouse; or  
11          (C) both the individual and the individual's spouse.

C  
o  
p  
y